

GP3732

PATENT

Attorney Docket No. 101.0052-01000

Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
)  
Gary Karlin Michelson )  
)  
Serial No.: 09/412,082 )  
)  
Filed: October 4, 1999 )  
)  
For: Method for Inserting Frusto-Conical )  
Interbody Spinal Fusion Implants )

Group Art Unit: 3732

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the following listed documents are attached:

- a. U.S. Patent No. 5,571,190, issued November 1996.
- b. U.S. Patent No. 5,609,635, issued March 1997.
- c. U.S. Patent No. 5,782,919, issued July 1998.
- d. U.S. Patent No. 5,800,547, issued September 1998.
- e. European Application No. 0 179 695, published September 1985: an English-language abstract is attached.

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f. European Patent No. 0 493 698 A1, published July 1992: in lieu of a statement of relevance or translation of European Patent Application No. 0 493 698 A1, an English language version of a search report from the European Patent Office in a corresponding application citing these documents and setting forth the relevance thereof is enclosed along with an English-language abstract.

g. European Application No. 0 627 204 A2, published December 1994.

h. European Application No. 0 732 093 A2, published September 1996.

i. German Patent No. 43 02 397 A1, published July 1993: in lieu of a statement of relevance or translation of German Publication 43 02 397 A1, an English language version of a search report from the European Patent Office in a corresponding application citing these documents and setting forth the relevance thereof is enclosed.

j. Japanese Patent Application No. 62-155846, dated July 1987: an English-language version of the claims is enclosed.

k. PCT No. 96/22747 August 1996

l. European Search Report dated August 4, 1999, for European Patent Application No. 96917084 in the name of Gary Karlin Michelson.

m. European Search Report dated January 12, 2000, for European Patent Application No. 96918001 in the name of Gary Karlin Michelson.

Copies of the remaining listed documents were previously submitted in a prior application, Serial No. 08/480,904, filed June 7, 1995, upon which applicant relies for the benefits provided in 35 U.S.C. § 120. Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicant(s) determine(s) that the cited document(s) do not constitute

"prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1066.

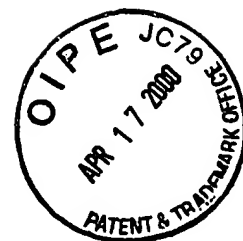
Respectfully submitted,

MARTIN & FERRARO, LLP

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Certificate of Mailing under 37 CFR § 1.8

I hereby certify that this Information Disclosure Statement, Form PTO-1449, 13 documents, and self-addressed stamped postcard are being deposited on April 13, 2000 with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Assistant Commissioner for Patents  
Washington, D.C. 20231

April 13, 2000  
Date

Sandra L. Blackmon  
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